

REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed April 30, 2009. Reconsideration of the application, in view of the amendments and the following remarks, is respectfully requested.

Prior to this amendment, claims 1-29 were pending in the present application. By virtue of this amendment, claims 1, 5, 11, and 15 have been amended, claims 2-4, 12-14, and 21-29 have been cancelled, and new claims 30-43 have been added. The amendments to independent claims 1 and 11 have been made to incorporate the subject matter indicated as allowable by the Examiner (for claim 1, the subject matter of claim 3 and intervening claim 2; for claim 11, the subject matter of claim 13 and intervening claim 12). Claims 5 and 15 have been amended to provide correct dependency from their respective amended independent claim. Claims 21-29 have been cancelled in response to the Examiner's requirement to cancel the non-elected claims. Support for the amendments can be found in the original application as filed, specifically in the claims as pending prior to this amendment, and no new matter has been added.

New claim 30 is directed to the combination of the subject matter of independent claim 1 and the subject matter indicated as allowable by the Examiner (the subject matter of claim 4 and intervening claim 2). New claims 31-36 depend (directly or indirectly) from claim 30 and are directed to the subject matter of dependent claims 5-10, which depend from amended claim 1. New claim 37 is directed to the combination of the subject matter of independent claim 11 and the subject matter indicated as allowable by the Examiner (the subject matter of claim 14 and intervening claim 12). New claims 38-43 depend (directly or indirectly) from claim 37 and are directed to the subject matter of dependent claims 15-20, which depend from amended claim 11.

Claim Rejections Under 35.U.S.C. §103

In the Office Action, the Examiner rejected claims 1-2, 5-8, and 10 under 35 U.S.C. 103(a) as being unpatentable over Katz (U.S. Publication 2003/0033179 A1) in view of Greenwood (U.S. Patent 7,461,077 B1) and Frank (U.S. Publication 2003/0158975 A1).

The Examiner also rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Katz (U.S. Publication 2003/0033179 A1) in view of Greenwood (U.S. Patent 7,461,077 B1) and Frank (U.S. Publication 2003/0158975 A1), as applied to claim 1 above, and further in view of Griffin (U.S. Patent 7,496,687 B2).

The Examiner also rejected claims 11-12,15-18, and 20 under 35 U.S.C. 103(a) as being unpatentable over Greenwood (U.S. Patent 7,461,077 81) in view of Frank (U.S. Publication 2003/0158975 A1).

The Examiner also rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable over Greenwood (U.S. Patent 7,461,077 81) in view of Frank (U.S. Publication 2003/0158975 A1), as applied to claim 11 above, and further in view of Griffin (U.S. Patent 7,496,687 B2).

As indicated, in the Office Action, the Examiner rejected certain of the claims as being unpatentable in view of one or more of the Katz, Greenwood, Frank, and Griffin references. In view of the amendments made to the claims in this response, it is submitted that all such rejections have been overcome and hence that no further discussion is necessary. It is therefore requested that the rejections of the claims be withdrawn. It is noted that the lack of a more detailed response to the Examiner's rejections is not to be taken as an indication of Applicant's agreement with, acquiescence to, or acceptance of the Examiner's basis for the rejections. If necessary, the Applicant will submit detailed arguments regarding the patentability of the claimed subject matter in view of the relied-upon references should the present amendments not place the case in condition for allowance.

Allowable Subject Matter

In the Office Action the Examiner indicated that claims 3, 4, 13, and 14 would be allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims. In response, Applicant has amended the claims and added new claims as indicated. It is submitted that the resulting claims are directed to the allowable subject matter as indicated by the Examiner. For example, claim 1 as amended incorporates the subject matter of claims 1, 2, and 3, while new claim 30 incorporates the subject matter of claims 1, 2, and 4. Similarly, claim 11 as amended incorporates the subject matter of claims 11, 12, and 13, while new claim 37 incorporates the subject matter of claims 11, 12, and 14. As a result, it is respectfully submitted that after entry of this amendment, all claims pending in the present application (i.e., claims 1, 5-11, 15-20, and 30-43) are directed to subject matter indicated as allowable by the Examiner.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: JUN 24, 2009

Alan D. Minsk
Alan D. Minsk
Reg. No. 35,956

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
A8M:jlw
62081655 v1